



Honorable August B. Landis
United States Bankruptcy Judge



Entered on Docket
July 05, 2022

Christopher Patrick Burke, Esq.
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Lillian Jo Sondgeroth Donohue

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

IN RE

Lillian Jo Sondgeroth Donohue,

Debtor.

Case No. 22-11027-ABL
Chapter 13

Date: June 30, 2022
Time: 1:30 p.m.

**ORDER GRANTING DEBTOR'S MOTION TO SELL REAL PROPERTY FREE
AND CLEAR OF LIENS AND DENYING MOTION TO SEQUESTER FUNDS
(Dkt.#66)**

THIS MATTER came before the Court on the motion of the Debtor, Lillian Jo Sondgeroth Donohue ("Debtor" or "Donohue") to sell her real property located at 2240 East Calvada Blvd., Pahrump, Nevada 89048 ("Calvada") APN 38-891-07 free and clear of liens and to sequester funds. Christopher Burke, Esq. appeared on behalf of the Debtor, Ogonna Brown, Esq., appeared and filed a Limited Opposition on behalf of the Wardlow Survivor's Trust ("Wardlow") and Danielle N. Gueck-Townsend, Esq. appeared for Kathleen A. Leavitt, Chapter 13 Trustee ("Trustee"), the Court stated its findings of fact and conclusions of law on the record in accordance with FRBP 7052, and good cause appearing:

IT IS HEREBY ORDERED that the Debtor's motion to sell the 2240 East Calvada APN 38-891-07 for the sum of \$540,000 is hereby approved pursuant to the terms set forth

1 in the Residential Purchase Agreement filed as Ex. 'D' to the Addendum (Dkt.#72-2);

2 **IT IS HEREBY ORDERED** that the motion to sequester funds in the amount of
3 the proof of claim plus six months is denied;

4 **IT IS FURTHER ORDERED** that the sale of the 2240 East Calvada shall be free
5 and clear of all liens and interests including, but not limited to the Deed of Trust in favor
6 of The Wardlow Trust recorded in Nye County on January 9, 2007 as Document No.
7 676582, and subsequently assigned to the Wardlow Survivor's Trust and any other interest
8 the Wardlow Trust may have;

9 **IT IS FURTHER ORDERED** that no funds shall be disbursed through closing to
10 the Wardlow Survivor's Trust, but The Wardlow Survivor's Trust will continue to maintain
11 a lien on the proceeds of the sale until further order of the Court;

12 **IT IS FURTHER ORDERED** that the net proceeds from the sale of 2240 East
13 Calvada meaning the entire amount remaining after payment of normal closing costs
14 through escrow, shall be disbursed to Kathleen A. Leavitt, Chapter 13 Trustee as a payment
15 under the plan to be held in the Bankruptcy Estate of Case No. 20-11027-ABL until further
16 order of this Court;

17 **IT IS FURTHER ORDERED** that the 14 day appeal period is waived.

18 **IT IS SO ORDERED.**

19 DATED this 1st day of July, 2022.

20 Submitted By:

Approved/Disapproved

21 /s/ Christopher Burke, Esq.
22 Christopher Burke, Esq.
23 Attorney for Debtor

/s/ Ogonna Brown, Esq.
Ogonna Brown, Esq.
Attorney for the Wardlow Survivor's
Trust

24 **Approved/Disapproved**

25 /s/Danielle N. Gueck-Townsend, Esq.
26 Danielle N. Gueck-Townsend, Esq.
27 Staff Attorney
Kathleen A. Leavitt, Chapter 13 Trustee

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1 ALTERNATIVE METHOD re: RULE 9021:

2 In accordance with Local Rule 9021, counsel submitting this document certifies that the
3 order accurately reflects the court's ruling and that (check one):

4 ☐ The court waived the requirement set forth in LR 9021(b)(1).

5 ☐ No party appeared at the hearing or filed an objection to the motion.

6 ☒ I have delivered a copy of this proposed order to all counsel who appeared at the
7 hearing, and any unrepresented parties who appeared at the hearing, and each has
8 approved or disapproved the order, or failed to respond, as indicated below [list each
9 party and whether the party has approved, disapproved, or failed to respond to the
10 document]:

11 Danielle Gueck-Townsend Esq.

12 Kathleen A. Leavitt

13 711 S. 4th Street

14 Suite 101

15 Las Vegas, Nevada 89101

16 (702) 853-0700

17 **Approved**

18 Ogonna M. Brown, Esq.

19 LEWIS ROCA ROTHGERBER CHRISTIE LLP

20 3993 Howard Hughes Pkwy., Suite 600

21 Las Vegas, Nevada 89169

22 Email: OBrown@lewisroca.com

23 *Attorneys for Secured Creditor The Wardlow*

24 *Survivor's Trust Dated December 27, 2012*

25 **Approved**

26 ☐ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this
27 order with the motion pursuant to LR 9014 (g), and that no party has objected to the
28 form or content of the order.

Submitted by:

26 /S/ CHRISTOPHER P. BURKE, ESQ.

27 CHRISTOPHER P. BURKE, ESQ.

28 Attorney for Debtor